

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1059 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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MARATLAL SHANKARLAL PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PK JANI for Petitioner

Mr.K.P.Rawal, ld.ADDL. PUBLIC PROSECUTOR for Respondent No. 1

MS PROMILA SAFAYA for Respondent No. 2

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 03/10/97

ORAL JUDGEMENT

Rule. Mr.K.P.Rawal appears for respondent no.1
and waives service on behalf of it. Ms. Safaya waives
service for responden no.2.

2. The case of the petitioner is covered by Sec.6(2)
(f) of the Passport Act. Therefore, unless he gets an
exemption order from the Court, the Passport Authority
shall not issue a passport. The reason is that the
petitioner is an accused of the alleged offence under
Sec.409 of the Indian Penal Code. The passport
authorities have no objection, if the Court passes an
order exempting the accused from the aforesaid clause and
further, Rule 91 sets out time limit within which the
passport to be issued. It shall be so issued subject to
the condition that the petitioner shall give an
undertaking in writing to the passport authority that he
shall, if required by the Court concerned, appear before
it at any time during the duration of the period for

which the passport is to be issued. Shri P.K.Jani appearing for the petitioner submits that the petitioner requires the passport for 3 months so that he can visit abroad. That is also permitted subject to Rule 91, as ordinarily, in such case, passport is misused, unless the Court directs any further period. Subject to the above conditions, the Passport Authority shall issue passport to the petitioner on his making an application for the said purpose. It is, ofcourse, understood that the petitioner shall have to further abide by the conditions that he may have to, under the relevant Act and Rules as also any other requirements of law for the purpose.

3. The petition is filed for two-fold purposes, one for the passport and the other for dropping the proceedings of Criminal Case No.712 of 1988. Keeping his right open for the present, the petitioner does not press the prayer as to dropping the proceedings of Criminal Case no.712 of 1988. The request for passport is granted. Rule to that extent is made absolute.
